

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BRANCH BANKING & TRUST CO., §
SUCCESSOR IN INTEREST TO §
COLONIAL BANK, BY ACQUISITION §
OF ASSETS FROM THE FDIC AS §
RECEIVER FOR COLONIAL BANK, §
Plaintiff, § Civil Action No. 3:10-cv-2238-L
§
v. §
WILLIAM K. WELLS, §
Defendant. §

**PLAINTIFF'S APPENDIX IN SUPPORT OF ITS MOTION FOR LEAVE
TO FILE UNTIMELY RESPONSE TO THE COURT'S
JANUARY 17, 2013 ORDER [ECF DOCUMENT NO. 33]**

COMES NOW, Plaintiff Branch Banking & Trust Co., successor in interest to Colonial Bank, by acquisition of assets from the FDIC as Receiver for Colonial Bank (hereafter "Plaintiff" or "the Bank"), and pursuant to Rule 7.1(i) of the Local Rules for the United States District Court, Northern District of Texas, files this its Appendix in Support of its Motion for Leave to File Untimely Response to the Court's January 17, 2013 Order [ECF Document No. 33], and respectfully shows:

I.

The evidence attached hereto is to be considered in connection with Plaintiff's Motion for Leave to File Untimely Response to the Court's January 17, 2013 Order [ECF Document No. 33] and Plaintiff's Brief in Support of its Motion for Leave to File Untimely Response to the Court's January 17, 2013 Order [ECF Document No. 33], both of which are filed this same day. The document attached hereto are incorporated by reference for all purposes:

Exhibit A. Declaration of Attorney David M. Pruessner Filed In Response to the Order To Show Cause.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests that the Court grant Plaintiff's Motion for Leave to File Untimely Response to the Court's January 17, 2013 Order [ECF Document No. 33], and grant Plaintiff leave to file its Response to the Court's January 17, 2013 Order [ECF Document No. 33], which is being filed contemporaneously herewith and is incorporated by reference, and grant such other and further relief, both in law and in equity, to which Plaintiff is justly entitled.

Respectfully submitted,

By: /s/ David M. Pruessner
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned certifies that on the 1st day of February, 2013, a true and correct copy of the foregoing document was delivered to the following counsel via ECF notification:

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/s/ David M. Pruessner
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